

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SCOTT A. BOLES,)	
)	
Plaintiff,)	4:11CV3031
)	
v.)	
)	
UNUM LIFE INSURANCE)	MEMORANDUM AND ORDER
COMPANY OF AMERICA,)	
)	
Defendant.)	

After conferring with counsel for the parties, and with their agreement,

IT IS ORDERED:

- 1) Progression of this case will be bifurcated, with the threshold issue being whether this case is governed by ERISA.
- 2) The parties will initially perform discovery focused on determining whether ERISA applies to this case, such discovery to be completed by September 5, 2011.
- 3) If the ERISA issue is not resolved by the parties' stipulation, on or before October 5, 2011, the parties, or one of them, shall move for a judicial determination on whether this case is governed by ERISA.
- 4) Within ten business days after any determination regarding the applicability of ERISA (whether by court ruling or the parties' agreement), the parties shall contact the chambers of the undersigned magistrate judge and schedule a conference call to discuss further case progression.

DATED this 6th day of July, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge